

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.11.501 and 12.11.2205 and) PROPOSED AMENDMENT AND
the adoption of NEW RULE I) ADOPTION
pertaining to Flathead Lake)

TO: All Concerned Persons

1. On February 13, 2017, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than February 3, 2017, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

12.11.501 LIST OF WATER BODIES (1) through (37) remain the same.
(38) Flathead Lake ARM 12.11.2205 & [NEW RULE I]
(39) through (116) remain the same.

AUTH: ~~23-1-106, 23-2-302~~, 87-1-301, 87-1-303, MCA
IMP: ~~23-1-106~~, 87-1-303, MCA

12.11.2205 FLATHEAD LAKE (1) A portion of Flathead Lake is located in Flathead County.

(2) In Flathead County, Flathead Lake is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

(a) remains the same.

(3) Refer to [NEW RULE I] for the portion of Flathead Lake located in Lake County.

AUTH: ~~23-1-106~~, 87-1-303, MCA
IMP: ~~23-1-106~~, 87-1-303, MCA

4. The rule as proposed to be adopted provides as follows:

NEW RULE I FLATHEAD LAKE (1) A portion of Flathead Lake is located in Lake County.

(2) In Lake County, Flathead Lake is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

(a) Cromwell Channel at its narrowest section approximately 800 feet in length or as marked by buoys.

(3) Refer to ARM 12.11.2205 for the portion of Flathead Lake located in Flathead County.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: The commission received a petition requesting to restrict the Cromwell Channel on Flathead Lake to a no wake zone at its narrowest section approximately 800 feet in length. The petition requested the limitation to address safety concerns, shoreline erosion and property damage, nonmotorized user conflicts, and ferry and wildlife crossing conflicts. A letter of support from the Shoreline Board Chair of the Confederated Salish and Kootenai Tribe (CSKT) was included with the petition.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Martha Abbrescia, Department of Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, MT 59901; or e-mail mabbrescia@mt.gov, and must be received no later than February 17, 2017.

6. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department or commission.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web

site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ William Schenk
William Schenk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State January 9, 2017.